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1915/16

State of Connecticut

PUBLIC DOCUMENT NO. 58

THIRD ANNUAL REPORT

OF THE

Board of Compensation Commissioners

FOR THE

Year Ended September 30, 1916

HARTFORD
PUBLISHED BY THE STATE
1917

PUBLICATION
APPROVED BY
THE BOARD OF CONTROL

THE ADKINS CO.
NEW BRITAIN, CONN.

State of Connecticut

REPORT OF THE BOARD OF COMPENSATION COMMISSIONERS

To His Excellency, Marcus H. Holcomb,
Governor of Connecticut.

Sir:

Pursuant to Section 18 of Chapter 138 of the Public Acts of 1913, we, the Compensation Commissioners for the several Districts of the State, acting as a Board, hereby submit a report, being our third annual report, of our doings, including such recommendations as we think proper for the improvement of the Act and its administration.

In this connection we repeat the observation made at the outset of our last report, that in view of the fact that various officers, commissions and boards are required to make statistical and other reports on subjects more or less allied to that under our charge, we assume that, in requiring from us a report, the General Assembly desired a discussion of the problems confided to us rather than an analysis of social and industrial conditions in the State. By so confining ourselves we have been enabled to compress what we have to offer within space much more limited than that possible in many other States where the board corresponding to ours performs functions which are in Connecticut confided to other officials and other boards.

The last year has been one of great activity in our several offices and the work has not only grown but has expanded beyond the expectation of any of us. This has been due in part to a more general understanding of the scope and effect of the compensation act and in consequence a fuller compliance with its demands, and in part to the great industrial activity in the State. This activity has not only retained at work the skilled workers of normal times but has put at work a large number of workers unskilled and not yet fitted for the tasks which the pressure of industrial conditions has set to them to perform. The result has been that the liability to accident has been greater than under more normal conditions.

We give shortly statistics which show various significant figures, but for the moment may note in passing that during the year between January 1, 1916, and January 1, 1917, there were reported throughout the State 46,935 accidents which presumably disabled the injured person for one day or more. Beside this number there were many thousands of generally minor accidents which either did not actually keep the employee from work or else detained him from work for less than a day and were hence not reported. There have been 9,756 voluntary agreements submitted to, and after examination approved by, the various Commissioners, and 552 awards have been made, following hearings more or less protracted and conducted under circumstances and conditions approaching those of an ordinary litigated suit at law. This last number is greater than the entire number of hearings in the previous two years. It will therefore be seen that there is a very great increase in this department of the work.

The amount of money expended by self-insurers during the year ending November 1, 1916, for direct indemnity payments to injured workmen or the dependents of those killed in the course of their employments amounted to $379,811.72. During the same period twenty-four insurance companies authorized to transact compensation insurance business in this State have paid out for compensation to injured workmen or the dependents of deceased workmen and for medical services, the sum of $939,620.63, making in all the sum of $1,319,432.35 actually disbursed to injured workmen or their dependents or for their benefit. From November 1, 1914, to November 1, 1915, the sum of money so expended by both self-insurers and insurance companies was $775,167.33.

It should be carefully noted that the policy of Connecticut in one respect is more liberal toward the injured workman and his dependents than that of any other State, the Federal Government alone in the National Compensation Law, taking effect 1916, following the Connecticut policy in this respect.

Connecticut alone among the states provides for the rendering of necessary medical, surgical, hospital and incidental services without limit as to time or amount. In the case of the self-insurers the ratio of the expenditures for medical treatment to the expenditures for compensation was about 87 to 100. It is hardly necessary to state that it is of infinitely more advantage to an injured workman to receive proper medical, surgical and hospital care for such time as his injuries may require it than it is to give him a larger percentage of his wages and leave him to his own devices as to medical and surgical aid at the expiration of some short period of time, as is done in many of our sister states. It is also more advan-

tageous to the employer because he has a direct interest in securing the best surgical and medical skill available, thus minimizing the result of the injury and returning the injured employee to his proper place as a productive member of society at the earliest possible date, instead of leaving him in a sense, and in a very real sense, a practically useless member of society so far as productive capacity is concerned, and a pensioner upon his employer.

A Few Statistics

In accordance with the direction contained in Section 20 of Part B, we have by the use of appropriate forms collected information concerning the operation and economic effects of the Act. This information will be preserved and will be available for use in connection with such other data as the Legislature may at any time decide to collect through any of the instrumentalities of our state government. There will thus be a basis for any statistical work which may be deemed by the Legislature wise to have done and whenever the very considerable outlay of money required for that purpose may be available.

We give a few significant figures:

	10 Months from Jan. 1, 1914, to Nov. 1, 1914.	14 Months from Nov. 1, 1915, to Jan. 1, 1916.	12 Months from Jan. 1, 1916, to Jan. 1, 1917.
Accident reports,	18,054	37,070	46,935
Voluntary agreements,	3,444	7,048	9,756
Hearings resulting in awards,	106	427	552

	10 Months from Jan. 1, 1914, to Nov. 1, 1914.	12 Months from Nov. 1, 1914, to Nov. 1, 1915.	12 Months from Nov. 1. 1915, to Nov, 1, 1916.
Cost to self insurers:			
For compensation,	$ 49,685.58	$ 101,812.10	$ 202,483.48
For medical service,	36,866.15	67,899.57	177,328.24
Cost to insurance companies for compensation and medical service,	396,684.30	605,455.66	939,620.63
Total for compensation and medical service,	$483,236.03	$775,167.33	$1,319,432.35

The Construction of the Act by the Courts

The Compensation Act went into full operation January 1, 1914. As must inevitably occur in the case of new legislation, its development into a system has been the gradual result of the construction in individual cases of particular provisions of the Statute. In anticipation of questions which would arise, we published at the beginning of our work a series of bulletins containing tentative opinions which might not be adhered to in the decision of particular cases, but as to which the members of the public were deemed to be entitled to such information as was then available. Immediately on the going into effect of the Act the hearing of cases was begun by the members of our Board and after some slight delay inevitable in the inauguration of a new system, the first formal decision was rendered on March 12, 1914. Naturally a number of months elapsed before any case appealed from a commissioner to the Superior Court was ready for determination, and the first court decision was rendered on June 26, 1914. On February 23, 1915, the Supreme Court of Errors handed down the first opinions under the new Act.

With the system once under way, the stream of cases before commissioners and courts has flowed on rapidly and uninterruptedly, and the law relating to workmen's compensation in Connecticut has now taken on a rather definite and positive form. A recapitulation of some of the results which have been reached may be of interest.

One of the questions presenting itself at the very outset was as to the application of the Act to employers of less than five employees. This was made the subject of an opinion by the Attorney General of the State written in advance of January 1, 1914, which was given wide currency in the public press and in the first bulletin issued by the Commission.

The positions taken in this opinion were sustained, in their essentials, in Bayon v. Beckley, 89 Conn. 154, which held that every employer, whatever the number of persons employed by him, came within the scope of the compensation features of the act.

The law as it originally read and as construed in this case left a possibly well grounded apprehension in the minds of many as to a liability arising from the most casual and temporary employment for a purpose disconnected with the employer's business of some person serving the public generally, as for example, a porter or messenger boy. The law on this subject was clarified by the amendments of 1915.

In that year the General Assembly, by an amendment embraced in the early parts of Chapter 288 of the Public Acts,

excluded employers who had regularly less than five employees from the compensation features unless they insured and expressed an election to accept the Act. As it stands at the present day, therefore, the Act may be said in general terms to be applicable only to the larger employers and to such small employers as desire to come within its purview and protect themselves and their employees by insurance.

Bayon v. Beckley established another important principle. Under Section 30 of Part B of the Act it was held the duty of an employer to, in one of three ways, establish his solvency or secure to those in his employ the payment of such compensation as might be awarded, while Section 42 of Part B declared that if an employer accepted the Act but failed to comply with this provision as to solvency or security, he should forfeit all benefits under the Act and be liable as if he had not accepted it. In the case just cited it was ruled that one, who by his failure to dissent came under the compensation features of the Act and who thereafter neglected to comply with the provision as to solvency or security, was open to a claim for compensation or a suit at law on the ground of negligence, at the option of the injured employee.

Upon the same day that Bayon v. Beckley was decided, the Court handed down a most important decision which enunciated and developed the general principles lying at the foundation of the Act and its operation, defined the duties of those having its administration in charge and described in not only a masterly but a very practical way the manner in which the Act was intended to work and in which the proceedings under it should be conducted. Incidentally there were given a number of definitions — notably that of the word "dependent" — which have had a far-reaching effect upon the subsequent course of procedure.

The case in question, Powers v. Hotel Bond Co., 89 Conn., 143, thus established several propositions; the Act is remedial in its character and to be broadly interpreted, the rights under it are contractual, the Act entering into and becoming a part of the contract of employment, the commissioners are executive officers engaged in administrative duties and performing also duties closely akin to judicial, the "appeal," so-called, is a procedure for searching the record for illegalities and improprieties rather than an appeal in the sense in which the term is used in strictly court procedure, from which it follows that the Superior Court an appeal is not to re-try the case, but is to apply the law to facts found by the commissioner and, if need be, to recommit it to the commissioner for further findings of fact.

This last conclusion in itself established a most important principle in the system. The appeal to the Superior Court is

an informal and inexpensive procedure. If it had been held that re-trials were to be allowed, practically every case would have been tried twice. As was so truly said in the opinion:

> "If the Act permits each cause to be appealed and tried *de novo* in the Superior Court, its objects will be defeated, and more delay, less certainty, and more expense will ensure to the claimant than with the single trial of the old method. We must not lightly presume that the legislature intended to set up a new system, the result of long agitation, much study and the fullest publicity, and then deliberately, in the very Act creating its new system, pull down the work of its hands." (p. 147.)

In connection with the discussion of the subject of dependency the Court in this case reaches the conclusion that in order to give rise to a condition of partial dependency, which will call for an award of the minimum compensation for fatal injuries ($5.00 per week), it is not necessary that the contributions actually made should reach this sum.

In this case on page 146, too, our court most fortunately was among the pioneers in American courts of last resort to clearly recognize and state another fundamental principle well known to all who have made a special study of the subject, namely that compensation was given not like a judgment in a tort action for somebody's fault, but was in recognition of another principle of law, authorized by the general police power, of enforcing under certain circumstances a liability without fault.

This distinction is happily expressed in a very recent New Jersey case thus:

> "The difficulty under which the trained legal mind labors, in this class of cases, is to detach itself from considering the facts of each particular case free from the influence of well-settled legal principles governing cases of negligence, and to simply keep in view that we are dealing in lieu thereof with a state policy of social insurance, in which the doctrine of negligence has no abiding place."

Kennerson v. Thomas Towboat Co., 89 Conn. 367, involves the question of the extra territorial effect of the Act and holds that, in spite of the fact that there are provisions relating to procedure couched in language not primarily applicable to an injury occurring out of the State, yet the Act provides compensation for such injuries, if the contract is of such a nature as to be a Connecticut contract. It is to be noted that, while

New Jersey takes the same view as that of our own Court upon that point, the Massachusetts rule, based upon a somewhat different wording of their statute is to the contrary (page 380).

Another important principle established by the Kennerson case is this: The mere fact that the alleged dependent has other relatives who are under a legal obligation to support him, does not prevent him from being a total dependent of that relative who has in fact supported him.

The Kennerson case has also had a far-reaching effect in connection with questions of jurisdiction. Section 40 of Part B of the Act reads as follows:

> *"*Interstate Commerce.* This act shall not affect the liability of employers to employees engaged in interstate or foreign commerce, for death or injury in case the laws of the United States provide for compensation or for liability for such death or injury."

A question had arisen and had been much discussed as to whether employees engaged in interstate commerce were within the Compensation Act, so far as regards injuries for which they had no right of action for negligence.

The opinion in Mondou v. N. Y., N. H. & H. R. R. Co., 223 U. S. 1, 56 Law Ed. 327, 348, had said that:

> "The laws of the states, so far as they cover the same field [as that covered by federal legislation] are superseded."

One view was that the "field" was the subject of the responsibility of employers to pay money to the employees because of the happening of injuries and that the words of our statute meant that if Congress had legislated on the subject and passed a statute under which, if the plaintiff made out a case, he could secure a recovery, the "field" was covered and the Compensation Act had no application. In support of this view it was argued that the legislature could hardly have intended to enact a law under which the jurisdiction of the tribunal would depend upon whether the plaintiff at the end of the litigation was adjudged to have a good case or not; that ordinarily jurisdiction depends on the situation as it appears at the beginning of a litigation and not at its close, and that any system would be an anomaly under which the plaintiff was to go to the Commissioner if in fact there was no negligence on the part of the employer, and to the Court if there was such negligence. It was argued on the other side that it was the intention of our

*(NOTE: See however Southern Pacific Co. v. Jensen, decided by U. S. Supreme Court, May 21, 1917.)

law that a workman injured in the course of his employment should be recompensed from some source and in some way, that if, in point of fact he was entitled to a judgment under the Federal Employers' Liability Act, the State could not and should not attempt to interfere, but that if he must fail on his facts, the State secured for him the compensation payable as in other cases.

This question is considered in the Kennerson case, although it is quite possible that its determination was not strictly necessary to the decision. The Court points out that the record does not show that the injury of the employee occurred while the employee was engaged in interstate or foreign commerce and that Congress had not legislated in regard to injuries incurred in interstate commerce upon water — the injury in question having occurred through drowning while engaged in interstate commerce on water. The opinion, however, contains a statement which, whatever may be the effect on the action in the future of the Court itself, is sufficiently definite and positive to give us a rule of action. It says:

> "It is still manifest this section [Section 40 of Part B quoted above] has no application. The laws of the United States do not provide for compensation such as this contract gives, nor for a recovery for death or injury not predicated upon fault. . . . Presumably Section 40 and similar provisions in other Compensation Acts have reference to the Federal Employers Liability Act. Where the injury arises from a cause not covered by the Federal Act, this section does not apply. To come within the Federal Act there must be interstate traffic, interstate employment, and negligence. Though the first two conditions be present in this proceeding, the latter is not."

The same view is taken by the New York Court of Appeals in Winfield v. N. Y. C. & H. R. R. Co., 216 N. Y. 284, now pending in and undecided by the United States Supreme Court.* Should the decision be to the effect that a compulsory act like the New York statute was opposed to the Federal constitution it would be an additional reason why Connecticut is to be congratulated on having an elective act.

This case also indicates that if there exists a moral duty to support, actual support furnished shortly before the injury

*Since this report was submitted the Winfield case has been decided by the United States Supreme Court, and the decision of the New York Court of Appeals above referred to has been over-ruled, but the constitutionality of the New York act is sustained. In connection with the Kennerson case it is important to read Southern Pacific Company v. Jenson decided by the United States Supreme Court, May 21, 1917.

and an agreement under which support is to be furnished some time in the near future, the case may present one of dependency. One of the persons drowned, for whose death compensation was sought, had been paying his mother certain support up to about five months before his death. At the time of his death he was engaged in paying the funeral expenses of his father, with an arrangement that when these were paid, the decedent should take up again the payment of support to the mother.

At the present time there is pending before the Supreme Court of Errors the case of Douthwright v. Champlin, (the commissioner's decision in which appears in 1 Comp. Dec. 358) where the contention is made that the parties were under a Massachusetts contract, although the injury happened in Connecticut and that therefore, following the analogy of the Kennerson case, compensation should be denied.*

The contractual nature of the right to compensation was further considered by the Supreme Court of Errors in Sibley v. State, 89 Conn. 682, where it was held that a sheriff is not an employee and hence not within the terms of the Act, a principle capable of wide extension and application. This decision is a seeming confirmation of the ruling in the Commissioner's office that a bank director is not an employee (Burnham v. Thames National Bank, 1 Conn. Comp. Dec. 339) and that a prisoner in jail, while generally representing a different social order than the director, is in the same non-contractual position (Ryan v. Metropolitan Chair Co., 1 Conn. Comp. Dec. 37).

Mann v. Glastonbury Knitting Co., 90 Conn. 116, illustrates the application of the provision that compensation is to be given only for injuries in the course of and arising out of the employment and covers only risks in doing things which the employer either requires the employee to do and things which are incidental to his particular duty, or things permitted by the employer for the mutual convenience of the parties. An employee who had been injured while heating his lunch, not in a customary place and at a place the use of which had not been sanctioned by the employer, was denied compensation. This case also lays down the principle that the hazard which gives rise to compensation must be peculiar to the work and not common to the neighborhood.

That the Act may benefit one doing something not in the strict line of his duty but incidental to his defined duty appears from Hartz v. The Hartford Faience Co., 90 Conn. 539, where a shipping clerk, who was injured while lifting or attempting to lift a barrel, was held entitled to compensation. It is there said:

* Since this report was submitted the Supreme Court has decided this case, sustaining the decision of the Commissioner.

> "If a workman depart temporarily from his usual vocation to perform some act necessary to be done by some one for his master, he does not cease to be acting in the course of his employment. He is then acting for his master, not for himself. A rule of law which put such an employee outside his usual course of employment and so deprived him of his right to compensation for an injury suffered would punish energy and loyalty and helpfulness and promote sloth and inactivity in employees. It would certainly prove detrimental to industry, and such a disregard of the master's interest, if carried into all of the work, would in time cripple the industry." (p. 542).

This case also lays down the principle that compensation is not made, by the act, to depend upon the condition of health of the employee, or upon his freedom from liability to injury through a constitutional weakness, or latent tendency. "Whatever predisposing physical condition may exist, if the employment is the immediate occasion of the injury, it arises out of the employment because it develops within it. When the exertion of the employment acts upon the weakened condition of the body of the employee, or upon an employee predisposed to suffer injury, in such way that a personal injury results, the injury must be said to arise out of the employment. An employee may be suffering from heart disease, aneurism, hernia, as was Mr. Hartz, or other ailment, and the exertion of the employment may develop his condition in such a manner that it becomes a personal injury. The employee is then entitled to recover for all consequences attributable to the injury. The acceleration or aggravation of a pre-existing ailment may therefore be a personal injury within our Act. . . . Did the ailment develop the injury or did the employment develop it in any material degree? If it did, the injury arose out of the employment" (pp. 543, 544). Occasion for the application of this principle in the daily administration of the Act has been frequent.

The Compensation Act in its original form, Section 21, Part B, provided for the making of a written claim for compensation, but added:

> "No want, defect, or inaccuracy of such notice and claim shall be a bar to the maintenance of proceedings unless the employer shall show that he was ignorant of the injury and was prejudiced by want, defect, or inaccuracy of notice."

In 1915 there was substituted for this provision one that notice should be given forthwith by the employee and

"on his failure to give such notice, the commissioner may reduce the award of compensation proportional to any prejudice which he shall find the employer has sustained by reason of such failure; but the burden of proof with respect to such prejudice shall rest upon the employer." (Section 7, Part B.)

In construing the earlier form of the Act — and it would seem that the construction is quite as applicable to the later form — the Court held in Schmidt v. O. K. Baking Co., 90 Conn. 217, that the giving of this notice was a matter of substantive right and not a mere matter of procedure, but that the word "want" when applied to the notice included the entire absence of a notice, so that even if there were no notice, the employee could recover the full amount in the absence of prejudice resulting from such lack of notice.

In the daily work of the Commissioners, the claim is frequently made that no notice of injury has been given. Sometimes this is a suspicious circumstance; sometimes it results from mere carelessness or ignorance and sometimes from the fact that the effect of the injury, or even the injury itself is not known at the time.

This decision crystallized the law applicable to such notice and restored to effectiveness the policy first adopted by the commissioners but later changed out of respect to a decision of the Superior Court. In the same case it was held that the provisions as to notice contained in the amendment were not retroactive.

The principle laid down in Powers v. Hotel Bond Co., that, in order to be entitled to the full minimum compensation, the dependent need not have been the recipient of contributions to the full amount of $5.00 per week, was amplified in Mahoney v. Gamble-Desmond Co., 90 Conn. 255. In that case a boy was earning $3.50 a week and getting his board at home. It was held that it was not necessary to strike a balance between the boy's earnings and the cost of his maintenance with a view to ascertaining whether his death was a financial injury to the father, and that as the boy had turned over his wages to his father to aid in the latter's support, the father was dependent upon him. The view adopted by the commissioner in this case and confirmed by the courts had already been applied in Koether v. Union Hardware Co., 1 Conn. Comp. Dec. 38, 40. In that case the Court refused to adopt the highly ingenious theory elaborated in behalf of the defense, that, as under Section 10 of Part B, a husband is conclusively presumed to be dependent upon his wife, this presumed dependency excluded an actual dependency upon a child, the

Court saying that the presumption may not be true in fact and does not exist until the wife suffers the fatal injury.

Perhaps with the exception of the decisions establishing the scope of the Act as to the number of employees and determining that there shall be no re-trials, the case of most far-reaching importance is that of Miller v. American Steel & Wire Company, 90 Conn. 349. Incidentally, the litigation resulting in this decision illustrates the careful attention which is given to employer and employee in controversies over very trifling sums. The claim of the employee amounted to $7.14, and he had no counsel. The case was elaborately tried before the commissioner and the appeal from his decision was exhaustively argued before the Superior Court. On consideration that Court, recognizing that the proceedings there were simply for the purpose of getting the opinion of the Supreme Court of Errors, sustained the award *pro forma*. (1 Conn. Comp. Dec. 345, 349).

The opinion of the Supreme Court of Errors gives the results of extended study of our own system and that of England and our sister states and is accompanied by a notable dissenting opinion. The plaintiff suffered a typical case of lead poisoning and his claim for compensation presented in the baldest form the question whether our Compensation Act covers occupational diseases. The decision of the Court was that it did not include them as such.

Larke vs. John Hancock Mutual Life Insurance Co., 97 Atl. 320, involves a nice distinction along the lines laid down in the opinion in the case just referred to. That case had taken the position that the result for which compensation is sought must be traced to some fortuitous or unexpected event which can be located in point of time and place, and that a gradual result occurring in the normal activities of the occupation does not give rise to compensation. In the Larke case the employee died of erysipelas which had resulted from frost bite, suffered while driving in the course of his occupation on an unusually cold day. The Court held that as the employment involved a more serious exposure than that to which the generality of men were subjected and as the erysipelas had developed from the conditions localized in the man's body which had resulted from the cold, the injury was compensable.

The principle is still further developed and illustrated in Linnane v. The Ætna Brewing Co., 99 Atl. 507, where it was held that pneumonia, which had attacked an employee, not because of a localized injury, but because of a general or systemic condition of weakened resistance to disease, was not within the purview of the Act and gave rise to no claim for compensation.

Probably no case has involved more money in the way of compensation awarded and the extent of medical expenses than Thompson v. Twiss, 90 Conn. 444. The significance of the case legally is that it gives a definition of the important term "casual employment." It is there said:

> "If the employment be upon an employer's business for a definite time, as for a week, or for a month, or longer, it is not a casual employment. . . . . If the employment be for a part of one's time, at regularly recurring periods of time, it is not a casual employment."

The case also points out the distinctions between a contract of employment which may bring the parties within the Act and a contract for the doing of work as an independent contractor under which the parties are without the Act. It is thus important in fields other than compensation law. The case also indicates the proper practice to be pursued by both commissioner and the Superior Court in making up awards.

Coady v. Igo, 91 Conn. 54, determine whether certain employees were the employees of a partnership or of individuals, but leaves open — as not important to the decision of the case — the mooted point whether the employees of a partnership of which an individual is a member, are to be added to his individual employees to ascertain his status as an employer of less than five or five or more.

Blanton v. Wheeler & Howes Co., 99 Atl. 494, touches on points of practice, but owes its principal importance to the discussion of the question of dependency. It is there held that the test of whether one is dependent upon another is — did he receive from that other contributions relied upon either in whole or part for paying such living expenses as were appropriate to the class and position in life of the dependent. That case also held that a private litigant could not complain of an award which, while it held the claimant was not a dependent, did not make an award of the $750 to the State's Treasury provided in a section of the original Act from which it was afterwards eliminated by the amendment of 1915.

We are thankful to say that the practice under the Act remains simple and untechnical and that the principles we had in mind when we refused to receive formal pleas in abatement and to the jurisdiction — while of course considering the questions involved in an informal way — have been adhered to both by the courts and by those of our own board.

The subject of practice under the Act was made the topic of a paper by one of our members before the last meeting of the State Bar Association which will be printed with the record

of that meeting and may perhaps be of assistance to both the legal profession and the general public.

In the determination of these questions, the principles thus clearly laid down by the Supreme Court of Errors have been most helpful, and this leads us to say a few words of appreciation to judges and counsel for the course often pursued in reserving difficult points for the Supreme Court, our State Court of final appeal.

"The Reservation of Cases for the Supreme Court of Errors"

As commissioners we perform *quasi* judicial functions which are difficult to distinguish practically from those which are strictly judicial. This work involves the holding of numerous hearings and the making of many awards. Furthermore, the approval of every voluntary agreement involves a *quasi* judicial process in that it is necessary for the commissioner to determine as to whether the agreement is in accordance with the law. We are thus engaged in the enforcement of the law of the land between man and man to a greater extent than any other body of officials, with the single exception of the Judges of our Courts, and the matters which pass through our hands are far more numerous than those which come up for consideration in any court. It is vitally important, therefore, that, so far as possible, fixed and certain principles should exist and be enunciated for our guidance. The Superior Court is the court having supervisory powers over this part of our work, and for that reason, to the great respect which we would naturally have for the rulings of that distinguished Court, there is added the positive duty of, under all ordinary circumstances, following those rulings as precedents. Hence it follows that a decision of a single Judge of the Superior Court may alter a long established practice. To such a decision the commissioners are glad to bow as to a statement of the law by one who is not only in a position of authority, but who as a matter of fact has brought to the task of deciding the question involved conspicuous learning and ability. Any decision thus made, however, is not only not binding upon the bench as a whole, but is subject to review and reversal in the Supreme Court of Errors. Doubtful points are the ones which get into the courts, and in the nature of things, no matter how able the trial judge, the position taken by him is subject to be changed on appeal from his decision. The result of it all is that in following any decision of any court, except the Supreme Court of Errors, we are led by an uncertain and varying light. We are told that in one of our neighboring States cases in the Superior Court are

reserved for its Supreme Court as a matter of course. We do not believe that this is a wise practice. On the one hand a large proportion of appeals are frivolous and should meet a prompt disposition in the trial court; on the other, no matter what care is exercised or what ability brought to the task, commissioners are bound, trying as they do a multitude of matters coming before them, to make a certain number of errors which are almost demonstrable. These should be promptly corrected in the Superior Court.

We believe, however, that in any case where the correct position is other than almost demonstrable and where it is at all practicable to do so, public policy requires the reservation of the case to the Supreme Court of Errors, where a decision may be rendered and a rule enunciated, which will be, for all practicable purposes, unalterable. We are glad to note that this view seems to be shared by our Judges and lawyers and that a large proportion of the cases which have decided important points have gone up on reservation. We realize that it is not always possible to reserve cases, but we bespeak the cooperation of the bench and bar in trying to attain this end.

The Digest of Decisions

An Act of the General Assembly of 1915 made possible the publication of a volume of selected compensation decisions. In accordance with Section 15 of Part B of the Act the Comptroller of the State caused a digest of our decisions to be compiled, and at his request we prepared the work for publication and saw it through the press. It fills a closely printed volume of over 700 pages inclusive of a rather elaborate index and a list of the cases. Beside the decisions of the commissioners, there have been included the decisions of the Superior Court which are, of course, of controlling importance, in the absence of Supreme Court rulings, but which, while rather numerous, are not of any considerable bulk. There have also been included references to the decisions of the Supreme Court of Errors, but these are not reprinted in this volume. The result is that the book contains either set out at length or by reference the Connecticut Compensation Law to the date of its publication, June 1, 1916. We believe that it has been of very great value in the administration of the Act, being frequently cited at hearings and used by the general public in connection with the part borne by the public in the administration of the law. It will be noted in this connection that the great majority of cases are adjusted upon voluntary agreements originating with the parties and submitted to the commissioners for approval. It is hence highly important that a repository of the law

as developed to date shall be available to the public, not only to the self insurers and insurance companies but to the employers and employees of the State generally. The book has also greatly aided the commissioners in the explanation of the Act to adjusters and other representatives of the employers as well as to employees. But for its aid the employment of additional assistance at times would have been required.

In the latest and one of the two leading works on compensation law — that of Mr. Arthur B. Honnold of the St. Paul bar — very frequent references are made to this work and extended quotations taken from it both in the text of the book and in the notes.

In the forthcoming edition of the work of Mr. Harry B. Bradbury of New York, who may be considered the pioneer text writer in this country on the subject and whose book on Workmen's Compensation has been the standard since its publication, reference will likewise be made to the cases in our volume of decisions as well as to decisions since its publication, which at Mr. Bradbury's request, have been sent to him in manuscript.

Our work has thus had an appreciable effect in unifying the general compensation law of the country, and these quotations coming from disinterested sources and from a distance, seems to indicate that the work is proving of a real value.

Connecticut has long been committed to the policy of encouraging uniformity of laws and has been in past years prominently represented upon the national commission on the subject of uniformity of State legislation, a commission which is developing also the subject of uniformity of judicial decisions. The publication of these volumes of decisions tends in a perceptible degree in this direction.

It is hoped that proper arrangement will be made for continuances to this publication, and we suggest in this connection that it would be wise, if practicable, to include a reprint of the decisions of the Supreme Court of Errors on the subject of Workmen's Compensation. The Supreme Court cases are, of course, available in libraries and lawyers' offices, but are scattered throughout various volumes and not conveniently accessible to the public generally.

The International Conference of Compensation Commissioners

Early in December there met in Washington a Conference on Social Insurance, held under the auspices of the International Association of Industrial Accident Boards and Commissions. The meetings of this Association had theretofore been held in the West and representation from Connecticut had proved impracticable. To this conference at the National Capital, a point of comparatively convenient access, your Excellency appointed us as delegates from this State.

The earlier days of the conference were given up exclusively to the subject of Workmen's Compensation and topics vitally connected with it. There were present as delegates representatives from the States having commissions similar to ours and from Canada. The days of the conference were busy days, with three sessions a day and an overflowing programme. We had the privilege of participating actively in the deliberations, one of our number presiding by invitation over one of the sessions, two of us reading formal papers, and the others taking part in the discussions and in the more informal work of the conference. The attendance upon these meetings gave us the very best possible opportunity to study at close range the workings of different systems and to see how far ours measured up to what might fairly be demanded of it. We came away feeling that while improvement at various points was possible, the system was fundamentally sound and wise, that it secured to a high degree justice to those immediately concerned, economy in administration, and freedom from delays. We are more convinced than ever that the district system, which makes one man responsible for the administration of the Act in a certain geographical area, is the best system yet devised or likely to be devised, that it gives the personal touch which is needed in work of this kind, renders unnecessary much of the complicated machinery of the centralized board, and makes for economy and rapidity of action.

The benefits of participation in a conference of this kind are mainly by way of broadening the horizon and imparting knowledge and giving ideas which unconsciously aid in the proper doing of one's daily task rather than in what might be called the immediate, direct and tangible results. We may note, however, in passing, that several of our suggestions for legislation have been made as the result of discussions to which we had the privilege of listening at this meeting. We also had the pleasure of making the acquaintance of commissioners from a large range of States, and such acquaintance is a real official asset in that it aids in the transaction of business with

commissions often in distant States. In view of the fact that employees are sent to various parts of the country, that our law has to some extent, at least, an important sphere of operation outside of the State and that these conditions exist generally throughout the country, there are occasions for many acts of comity between commissions in the way of making investigation, taking evidence, and the performance of similar functions.*

Respectfully submitted,

BOARD OF COMPENSATION COMMISSIONERS.

FREDERIC M. WILLIAMS, *Chairman*
GEORGE B. CHANDLER
GEORGE E. BEERS
JAMES J. DONOHUE
EDWARD T. BUCKINGHAM

*Note:—A considerable part of this report as originally submitted to the Governor is taken up with suggested changes in the law. As the Legislature has long since adjourned, and in the main adopted the recommendations contained in the report, it would serve no useful purpose to print them at this time. They are hence omitted.